

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 8, 9, 13, 15, 16, 17 - 20, 24, 25, 29, 30, 34, 35, 39, 40, and 41-52 are pending in this application. Claims 1, 8, 9, 13, 15, 16, 17 - 20, 24, 25, 29, 30, 34, 35, 39, 40 are amended, and claims 42-52 are newly added. Claims 2-7, 10-12, 14, 21-23, 26-28, 31-33, and 36-38 are canceled. Applicants submit that no new matter is added by the claim amendments or newly added claims.

Claim Rejections under 35 U.S.C. § 101

Claims 1-16 are rejected under 35 U.S.C. § 101 as allegedly being directed towards non-statutory subject matter. In particular, the Examiner alleges, on Page 2 of the Office Action mailed July 9, 2008, the following:

Claims 1-16 recite a data structure which does not impart functionality to a computer or computing device and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture, or composition of matter and is thus non-statutory.

The Applicants submit the Examiner's assertion that claims 1-16 are drawn to nonfunctional descriptive material is inconsistent with MPEP § 2106.01 as discussed below.

Nonfunctional descriptive material includes, but is not limited to, music, literary works, and a compilation or mere arrangement of data. Functional descriptive material, however, consists of **data structures** and computer programs which impart functionality when employed as a

computer component. A data structure is “a physical or logical relationship among data elements, **designed to support specific data manipulation functions**.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).

Regarding computer readable mediums encoded with functional descriptive material, the Applicants direct the Examiner to MPEP § 2106.01 which states:

When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since the use of the technology permits the function of the descriptive material to be realized.

Furthermore, MPEP § 2106.01(I) states:

A claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus **statutory**.

Claim 1 is drawn to “[a] physical **computer readable medium** storing an executable **data structure for managing reproduction of at least one still image recorded on the computer readable medium** by a reproducing apparatus.” The data structure stored on the computer readable medium dictates how application programs reproduce data. Accordingly, because the computer readable medium recited in claim 1 stores a data structure for managing reproduction of at least one still image recorded on the computer readable medium, claim 1 is believed to be directed towards **a computer readable medium storing functional descriptive material** which is statutory per MPEP § 2106.01.

In light of the above arguments, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 101 be withdrawn. For similar reasons, the Applicants respectfully request the rejection of claims 1, 8, 9, 13, 15, and 16 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kashiwagi et al. (US Publication Number 2004/0179820) in view of Kato (US Publication Number 2004/0213552). The Applicants respectfully traverse.

Initially, the Applicants note that each of the independent claims 1 and 17-20 are amended to recite "...the entry point map including mapping information between a presentation time and a unit of the clip stream file, the playlist file including at least one playitem indicating in-point and out-point of the clip stream file." The Applicants submit the above features patentably distinguish the independent claims over the combination of Kashiwagi and Kato.

The Examiner, on page 3 of the Office Action, alleges that the "entry point" recited in claim 1 is disclosed in Kashiwagi as SML_AGL_C1_DSTA. Paragraph [0270] teaches that this field is used for **seamless** playback and is valid when **seamless** multi-angle control is enabled. However, Kashiwagi's alleged entry fails to disclose "**mapping information between a presentation time and a unit of the clip stream file,**" as recited in

claim 1, therefore, the Applicants submit Kashiwagi cannot be relied on for rendering the above feature obvious.

In addition, the Applicants submit Kashiwagi fails to disclose a “playlist file including at least one playitem indicating in-point and out-point of the clip stream file,” as recited in the independent claims. The Examiner alleges that Kashiwagi’s VOB#1 reads on the playlist and that CELL#1 reads on the playitem as recited in the independent claims. The Applicants respectfully disagree. Paragraph [0224] discloses that the “cells” may be all or part of the system stream and may be used as access points during playback, however, the playitem recited in the independent claims is not part of the system stream, rather, the play item recited in the independent claims provides management information “indicating in-point and out-point of the clip stream file.”

The Examiner has not alleged the above features are disclosed in Kato, accordingly, the Applicants submit the Examiner has failed to establish the independent claims are *prima facie* obvious.

Additionally, the Applicants submit that the combination of Kashiwagi and Kato is improper. Kashiwagi is related to DVD technology while Kato is directed to DVR technology. Each technology conforms to different standards which conform to different formats, therefore, data recorded on a DVD medium will have a different format than data recorded on a DVR medium. Thus, the Applicants submit it would not be obvious to one skilled in the art combine such dissimilar references.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 1 and 17-20, and all claims which depend

thereon, under 35 U.S.C. § 103(a) as being obvious over Kashiwagi in view of Kato be withdrawn.

New Claims

Claims 41-52 are new and depend on claims 17-20. Claims 41-52 are believed to be allowable at least by virtue of their dependence upon their respective base claims.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of the present application is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By  Reg. No. 61,336
For Gary D. Yacura, Reg. No. 35,416

David M. Breiner, Reg. No. 61,336

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/DMB/cfc